

### REMARKS/ARGUMENTS

Claims 1-4 are pending herein. Claims 5 and 6 have been cancelled without prejudice or disclaimer.

Examiner Zec is thanked for courtesies extended to Applicant's undersigned representative during a telephonic interview on March 14, 2005. The substance of that interview has been incorporated into the following remarks.

1. Claims 1 and 3 were rejected under §102(b) over Howard. This rejection is respectfully traversed.

Claim 1 recites a refrigeration system dual circuit evaporator having alternating individual circuits that are constructed so that the flow of refrigerant through each circuit is in a direction diagonal to the direction of airflow through the evaporator, thereby allowing for the air flowing through the evaporator to come into contact with a portion of the active circuit across the entire face of the evaporator when one circuit is inactive.

Fig. 2 in Howard shows an "A-coil" dual circuit evaporator constructed in a diagonal manner, with the evaporator coils of one circuit being located in the lower or leading half of each of two evaporators mounted together in an "A" frame arrangement. The coils of the second circuit are located in the upper or trailing half of each evaporator. The setup of this evaporator is such that when one of the two circuits is operational or active, only half of the air passing through the evaporator is exposed to active circuit coils. Consequently, half of the air remains untreated by active circuit coils.

Lines 23-33 in column 4 of Howard further describe the invention as concentrating the refrigerant circuit in one portion on the evaporator rather than using intertwined circuits. Please note that Howard defines "intertwined" differently than the present application. Lines 47-68 in column 1 of Howard define "intertwined" as being an arrangement where the two separate evaporators are mounted in successive layers, each arranged in the same direction with respect to the airflow.

In any case, in the structure of Howard, when one circuit is inactive, the air flowing through the evaporator does not contact a portion of the active circuit across the entire face of the evaporator, as recited in claim 1.

Claim 3 is similar to claim 1, except the refrigeration cycle is reversed to heat the circuits in the evaporator coil rather than to cool the circuits. As such, the arguments made above are appropriate in support of claim 3, as well.

2. Claims 2 and 4 were rejected under §103(a) over Howard. This rejection is respectfully traversed.

Claim 2 recites a refrigeration system dual circuit evaporator having intertwined circuits that are constructed so that the flow of refrigerant through the active circuit, when one circuit is inactive, provides active circuit exposure throughout the entire face area of the evaporator, thereby allowing for the entire air flow passing through the evaporator to come into contact with a portion of the active circuit when one circuit is inactive.

As described above, Fig. 2 in Howard shows an evaporator having two circuits where each circuit is located across approximately one half of the surface exposed to airflow. Thus, the entire airflow through the evaporator does not contact the active circuit, as recited in claim 2. The portions of Howard cited by the Examiner actually teach away from the present invention by stating that intertwining two evaporators in series will result in poor humidity control. Again, however, please note that Howard defines "intertwined" differently than the present application.

Claim 4 is similar to claim 1, except the refrigeration cycle is reversed to heat the circuits in the evaporator coil rather than to cool the circuits. As such, the arguments made above are appropriate in support of claim 4, as well.

3. Claims 5 and 6 were rejected under §103(a) over Howard. This rejection is moot in view of the cancellation of claims 5 and 6.

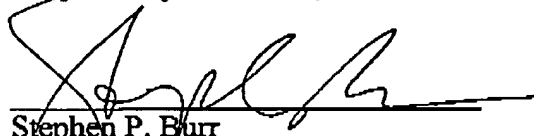
Please note that we are filing a Change of Attorney's Address with this Amendment. A Power of Attorney was filed March 10, 2005.

If Examiner Zec believes that contact with Applicant's attorney would be advantageous toward the disposition of this case, he is herein requested to call Applicant's attorney at the phone number noted below.

The Commissioner is hereby authorized to charge any additional fees associated with this communication or credit any overpayment to Deposit Account No. 50-1446.

March 15, 2005  
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Date

Respectfully submitted,

  
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SPB/TE/tdp

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